

OGC 77-7825

7 December 1977

MEMORANDUM FOR: Records Administration Branch

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ATTENTION :

FROM :

Assistant General Counsel

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SUBJECT : Authority to Exempt Information and Material from
General Declassification Schedule

1. You have requested a copy of a previous opinion of this Office to the effect that only officials granted authority to classify materials or information at the Top Secret level may authorize exemptions from the general declassification requirements of Executive Order 11652. I have been unable to locate such a paper and so provide you instead with this opinion to that effect.

2. Section 5(B) of Executive Order 11652 recognizes that classified information or material furnished in confidence by a foreign government or international organization, specifically covered by statute or pertaining to cryptology or disclosing intelligence sources or methods, disclosing any matter the protection of which is essential to national security, or which would place an individual in immediate jeopardy, may require classification beyond that provided by the General Declassification Schedule. It is specifically provided that

[a]n official authorized to originally classify information or material "Top Secret" may exempt from the General Declassification Schedule any level of classified information of material originated by him or under his supervision if it falls within one of [these] categories....

No other authority to so exempt material or information is provided in the Order. The category of each such exemption must be specified in writing on the material as well as, unless impossible to determine, a date or event upon which automatic declassification may occur. These requirements, including the limitation of this exemption authority to officials with Top Secret classification authority, are restated in

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This Notice Expires 1 May 1978

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SECURITY

27 April 1977

SECURITY MARKINGS ON GRAPHIC MATERIALS

1. Recent serious breaches of security in the handling of graphic materials require immediate remedy. Such breaches are caused primarily by failure to indicate the required classification or control markings on graphic materials sent to Agency graphics and printing facilities for preparation and distribution. The result often is the dissemination of highly sensitive materials with no classification or control markings. Moreover, in the production of graphic materials numerous preliminary sketches or printings may be made before final selection. Without proper classification or markings, artists or printers who do not have appropriate clearances could be involved in the work, or unmarked drafts could be thrown in the unclassified trash.

2. Effective immediately, Agency graphics and printing facilities will not accept job orders if the materials do not contain classification and control markings. (If the materials are unclassified, they should be so marked.) The responsibility for providing such markings rests with the originator.

FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:

JOHN F. BLAKE
Deputy Director
for
Administration

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RECORDS MANAGEMENT CONFERENCE1977

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A REVIEW OF THE NATIONAL SECURITY
CLASSIFICATION SYSTEM Assistant
for Information, DDA

Good Afternoon Fellow Foot-soldiers,

Being in the kind of work you are in, I am sure you are familiar with the Executive Order. Since the Carter administration is dedicated to openness in government, we are presented with a threat if we do not get on top of the classification program. Therefore, in the future, we need to apply classification properly and sparingly.

Congress is on our back, the courts are on our backs, and the Executive Branch is on our backs; and we have to mend our ways. Even though the Executive Order is not good, it is all we have to work with. Every time we classify a document, we are making a long commitment of action we will have to take. In order to reduce the burden of classification review, we need to reduce the number of classified documents. In order to protect our real secrets, we need to stop protecting our non-secrets.

What can we do, starting with you?

You have to realize that your role has changed. For many, many years RMO's have been somewhat, if not totally ignored. Also, most of you have probably experienced pointing out an error in an office and have been practically thrown out. The last few years have emphasized to top management that we can rise or fall from records. The first thing for you to do is to use your clout. Don't let records mistakes go unchallenged. Go to higher management levels for attention if needed. It is important that you speak out and stand up and challenge and question. It is important also that you do your best to pass along any education you can. I think you all should go back and read Executive Order 11652.

What can the Agency do? It is obvious to all of us that the guidance reaches from poor to non-existent. We are going to set up later this year a classification management program. It will go to the ISAS by the end of the year and will serve the whole Agency.

There are just two basic things I want to leave with you:

1. All of you have a very personal role and a very personal obligation to participate in the Agency's classification program.
2. You should realize and accept the fact that you have new roles, and you should exercise them fully to make this contribution.

It is my opinion that the RMO will have to do the police action.

ANNUAL RECORDS CONFERENCE

4 May 1977

REVIEW OF THE CLASSIFICATION SYSTEM

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I. Why a Review?

- A. New Administration philosophy
- B. Watergate legacy
- C. Lessons of FOIA

II. Classification/Declassification as Records Function

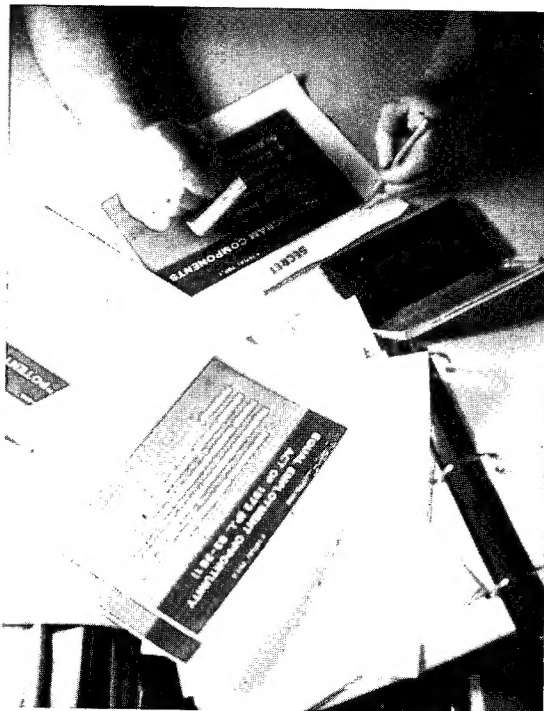
- A. Declassification Program
- B. Classification Management Officer in ISAS
 - 1. Publish policy guides
 - 2. Set-up training program
- C. Role of Records Officers
 - 1. Records Officers have clout - Importance of Records
 - 2. Function to monitor compliance with Ex. Order

III. Prospect for Changes in Classification System

- A. New Executive Order
 - 1. Expanded definitions
 - 2. Shortened time frame for exempted material - 25 yrs.
- B. Paragraph classification - Agency & Community initiatives
- C. Sources & Methods
- D. Statutory Classif.

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feature



SECURITY CLASSIFICATION
CONSCIOUSNESS RAISING

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A-I-DDA

Do you know why seemingly innocuous memoranda and purely administrative documents, like this copy of *Exchange*, require national security classification? Do you know what "E2 IMPDET" means at the bottom right corner of classified documents? If you aren't quite sure, you are not alone—probably many Agency employees would hedge their answers to these questions.

Over the last few years the need for education in the use of national security classification has become a stark reality. With the amendments to the Freedom of Information Act in 1974, the Agency began reviewing documents for release to the public. This intensive search and retrieval process has surfaced the widespread abuses of the classification system committed over the years because of a lack of

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~~An additional dimension was added to the Program with the establishment of the Special Achievement and Exceptional Accomplishment Awards in May 1974. These awards serve to recognize performance exceeding job requirements; a brilliant job or spectacular achievement of extreme value; an exceptionally productive operational activity; or a comparative productive, scientific or technical breakthrough or other brilliant achievement. Since 1974, a total of 63 awards have been approved totalling \$115,225. (UNCLASSIFIED)~~



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training. In retrospect, it appears that Agency writers suffered from 'secretitis,' stamping nearly every document produced SECRET. And now, the review of these so-called "classified" documents to determine the legitimacy of the classification consumes enormous amounts of time and effort on the part of many Agency employees. The 30-Year Review Program to be established this year will involve a review of all 30-year-old classified holdings to determine the necessity for retention of national security classification beyond the limit set by Executive Order 11652 on national security classification. The volume of this material which must be reviewed prior to transfer to the National Archives for historical preservation is estimated in the thousands of cubic feet—and that is for 1947 records alone. If Agency classifiers had been more judicious in the past in the application of classification, the task of reviewing this material might not be so mammoth. And, if we are not more judicious today, the problem for the next generation of officers will be even more monstrous.

The Directorate of Administration is taking steps to develop instructional programs to meet the needs of Agency employees, particularly classifying officers, in the use of national security classification. Although the element of sound judgment can never be totally eliminated from classification decisions, guidelines are a necessity. So, to ease the decision-making process, the Directorate plans to gather, consolidate and publish Agency guidelines, incorporating Intelligence Community directives and the unwritten policies we've used in the past into a reference handbook for classifiers.

Another classification consciousness-raising effort is a briefing program. An officer whose specialty is national security classification briefs new employees and authorized classifiers on the proper use of national security classification. Additionally, arrangements are being made to include similar briefings in regularly scheduled courses so as to reach the broadest possible audience. She is available to brief others who feel their offices require updating of their knowledge

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and responsibilities vis-a-vis the system. For further information contact on extension

The Directorate takes seriously our compliance with the spirit of Executive Order 11652 to classify less. One aspect of compliance in which we have been somewhat negligent is the requirement to classify documents by paragraph. To remedy this situation and bring us more into conformance with other agencies, a regulation on paragraph classification has been circulated for coordination. Hopefully, this procedure will force writers to stop to reflect on the classification they assign to paragraphs of documents and common sense will prevail over the automaticity of classification.

If you can't answer the questions at the beginning of this article, perhaps you are guilty of classification by rote. The four Rules for Classifiers are meant to increase your classification consciousness:

- Challenge classification decisions you feel are not correct.
- Classification decisions should be made consciously, not automatically.
- If you are a classifier, remember it's your number that appears on the documents. So, be sure you understand the rationale for the classification.
- The concept of individuality applies; every document is classified on its own merit. (UNCLASSIFIED)

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